

Appealing the Contents of an EHC plan

Make a note of the date on the decision letter - You have **2 months** from the date on the decision letter or **1 month** from the date on the mediation certificate- Whichever is the later.

Have the local authority offered to meet with you?

The LA should offer to discuss the decision with you, if you would like to do so. Meeting with the local authority can be really useful for example, where you have some additional information or a new report you would like to share. It is possible that with new information the local authority may agree to reconsider their decision and may avoid an appeal. It is important to fully understand why the local authority reached its decision and this information will also be key to building your case if you decide to go to appeal. Following the meeting, if the LA decide **not** to reconsider your request then you will need to decide whether to appeal.

Do you wish to appeal and if so, what is your disagreement?

- Any or all of Section B (Special educational needs) and/or
- Section F (special educational provision) and/or
- Section I (placement)

Parents and young peoples rights to **mediation** are set out in [Section 52 of the Childrens & Families Act 2014](#)

Section B (needs), F (provision) and I

If you are appealing against what the EHCP says about your child's SEN needs (section B), help or provision (Section F) *and* the school (Section I) then you **must** consider mediation. Mediation is a way to try to settle the dispute and involves meeting between the parent and the Local authority and an independent mediator to try to reach an agreement **You must contact Global Mediation before your right of appeal expires**

Section I (School placement)

If you are *solely* appealing section I of an EHC plan, you may need to consider appealing against section B and F of your child's EHCP, as well as section I. Do Sections B and F give enough accurate detail about the needs and provision required to support your arguments for the school or other institution you want in Section I? Check through the EHC plan to ensure it is an accurate reflection of your child.

Having checked your child's EHC plan, do you need to include B & F?

Y

N

Contact [Global Mediation](#)

Global Mediation will ask you what you wish to appeal about and whether you want to try mediation.

Do you want to have mediation meetings?

N

Y

You do not need a mediation certificate to lodge a Section I appeal. This does not mean you are not entitled to mediate if you would like to. If you involve mediation, make sure you have sufficient time to do so. **Since a mediation certificate will not be issued, you must lodge your appeal within two months of the notice of appeal from the LA or the final EHCP plan.**

Do you want to involve mediation?

Y

N

Mediation certificate

If you decide to go straight to appeal then they will issue you with a mediation certificate confirming you have been told about your right to mediation but you do not want to do so. This certificate must be issued within **3 working days** of you telling them that you do not want to go to mediation. The Certificate will enable you to lodge your appeal, either **within two months of the original decision letter or within one month** of receiving the certificate, whichever is the later.

The meetings are held in a neutral location and the aim is to ensure that everyone is heard and understood, to help reach a resolution. The mediator (who will have some knowledge of SEND legislation) should clarify your issues/nature of the disagreement & ensure all parties have an opportunity to be heard.

Agreement not reached

Agreement reached

If agreement is **not** reached, Global Mediation will issue a Mediation Certificate for B and F appeals only – and you can appeal to the SEND Tribunal (within two months of the original decision or one month from the mediation certificate whichever is the later).

If agreement is reached. Regulations 42 and 44 of The SEND Regulations 2014 say that if the parties agreed that the:

- LA will change the name of a school in an EHC plan:** the LA must issue the amended EHC plan within 2 weeks of the mediation agreement.
- LA will amend an EHC plan:** the LA must issue the amended EHC plan within 5 weeks of the mediation agreement.

Gather evidence and complete the attached [SEND35 Appeal form](#). SENDIASS may be able to support you with your appeal subject to our capacity.